

## **CALAVERAS COUNTY**

### **ACTION PLAN TO ASSIST SELF-REPRESENTED LITIGANTS**

#### ***1. Description of Need:***

Calaveras County is a small central California county straddling the western foothills of the Sierra Nevada. The population of the county is 40,554. The population grew from 1,990 to 2,000 at a high rate of 26.7 percent. There is a large number of working poor and fixed income retirees. Seniors, 65 years or over, account for 18.2 percent of the total population. Thirteen percent of the population and 20.8 percent of children live below poverty level. White persons, not of Hispanic/Latino origin, account for 87.5 percent of the population.

The Calaveras Superior Court, at the direction of the Chief Justice, applied for funding to develop an action plan for self-represented litigants. The court estimates that self-representation occurs in approximately 75 percent of family law cases. On November 30, 2001, Calaveras Superior Court hosted an all-day community meeting to determine the problems and potential solutions to the needs of self-represented litigants. The meeting was well attended. Participants included judges, court staff, local attorneys and representatives from various community agencies (see attachment for a complete list of attendees).

The meeting resulted in the formation of a Court Community Action Planning Team to improve services to self-represented litigants. The team reviewed the Nevada County Superior Court model, discussed all aspects of providing services to self-represented litigants, and designed an action plan for continued improvement planning. Various sub-groups of the team have been meeting on a monthly basis to forward certain aspects of the plan. For example, the team sponsored another workshop on March 15, 2002, which was well attended by local attorneys, to present and discuss unbundled legal services. Other actions taken or planned by the Court Community Action Planning Team are included in this action plan.

The community meeting participants identified the following specific target groups of self-represented litigants most in need of services in the Calaveras Superior Court jurisdiction:

- ☐ Working poor.
- ☐ Elders and disabled adults.
- ☐ Family law self-represented litigants (particularly in the areas of child custody and visitation, adoption/termination of parental rights matters, and family law property division issues).
- ☐ Non-custodial parents with District Attorney family support issues.
- ☐ Those with unlawful detainer issues.
- ☐ Guardianship and conservatorship issues.
- ☐ Persons needing answers to general civil questions or assistance with infractions, bankruptcy, civil harassment, and employment issues.

Specific needs of self-represented litigants were discussed and prioritized. Generally, there are two main issues or areas of concern:

- ❑ Lack of legal information and being overwhelmed/fearful of the court system.
- ❑ Limited resources and available assistance.

### **Lack of legal information and being overwhelmed/fearful of the court system**

Generally, the people, identified above, lack information and education about the court system as follows:

- They have little understanding of legal processes and don't know where to go for legal assistance.
- Many have literacy problems, or physical and mental disabilities, that prevent them from utilizing or having access to court processes.
- Many cannot afford legal assistance or court fees.
- The working poor lack the time to work on their case.

As a result, many people simply do not use the court system as a resolution process when all other attempts at resolution have failed. They find it easier to just live with the problem than to go to the time, expense and frustration of the legal process and court system.

Those self-represented litigants who do participate in the court system are often overwhelmed, fearful and confused about the processes as follows:

- They don't know what to expect and don't understand that sometimes you win and sometimes you lose.
- The attorney representing the opposing party intimidates them.
- They don't know whom to trust and what information to share.
- They do not understand filing and courtroom procedures.
- The paperwork and the court process itself overwhelm those attempting to represent themselves.

### **B. Limited resources and available assistance**

Limited resources and legal assistance are available through the court and various agencies/organizations in Calaveras County. In preparation for the November 30, 2001, planning meeting, the court conducted a survey of organizations and documented the legal services available in the community (see action planning workshop handout attached). The Court Community Action Team reviewed this information and concluded that there are substantial service and resource gaps for self-represented litigants that are not being filled by anyone.

Legal Services of Northern California serves low-income people and seniors. However, actual, low-cost legal assistance is not available for the working poor because they cannot meet the 200 percent of poverty eligibility requirements. Legal Services of Northern California has received grant funding to provide legal services to the senior population,

and this has filled a legal services gap for that population. Legal assistance from the community attorneys is also limited. The court is not aware of any local attorneys willing to take on additional pro bono work. Many of the attorneys are currently working with low-income people and already do substantial pro bono work for these clients.

Those individuals who choose to represent themselves are faced with an inadequate and inaccessible law library, few programs or publications to guide them, limited services that can be offered by the Family Law Facilitator, complicated forms that need to be typed, and no children's waiting area in the courthouse. The legal services that do exist are housed in various locations around the county, making access even that much more difficult for the public.

## **2. *Program Areas:***

The Court Community Action Planning Team identified three overall goals for the self-represented litigants improvement project. These are:

- ❑ Education for self-represented litigants.
- ❑ Expansion of resources and services for self-represented litigants.
- ❑ Development of sustainable infrastructure to support continued planning and service delivery system.

### **Education for self-represented litigants:**

The initial objective of this program is for every family law litigant to be educated about legal/court processes and about substantive portions of the law. The ultimate goal of this program is for every self-represented litigant in Calaveras County to be educated and informed about legal/court processes. Activities that the planning team will undertake to further this objective include:

- Development of self-help publications.
- Dissemination of information in written and on-line access.
- Educational programs, references, videos and assistance from court staff.

The Court Community Action Planning Team has begun working toward objectives and plans to continue building the program to meet its goals and objectives.

### **Expansion of resources and services for self-represented litigants:**

The initial objective of this program is to make some resources immediately available for self-represented litigants. The ultimate goal of this program is to develop a self-help center in a new facility that would house services and volunteers to provide assistance to self-represented litigants and the public. Services will be developed in the family law and general civil areas. Immediate activities that the Court Community Action Planning Team has begun in order to further this objective include promotion of unbundled legal

services, clinics, development of resource listings and facility availability research. Some of the planned activities include:

- Institutionalizing the new facility/self-help center.
- Developing a resource for a supervised visitation program.
- Improving the case management system to track family law cases.
- Expanding presentations on various legal topics.
- Utilizing technology to enhance access to information.
- Developing a hotline for community legal information.

The team will be working to expand the availability of legal services, especially for targeted groups.

**Development of sustainable infrastructure to support continued planning and service delivery system:**

The initial program objective is for the Court Community Action Planning Team to develop a structure of governance to continue planning activities. Initially, the team will explore funding sources and collaborate on funding opportunities. The team has developed a Bench/Bar partnership to better serve self-represented litigants as a team and has hosted a program on unbundled legal services for local attorneys. The ultimate goal of this program is to have on-going service collaboration, a centralized referral system, shared services and funding, consolidated services, where appropriate, and a sustainable organizational infrastructure with a large community volunteer support base.

**3. *Program Action Plans:***

The following program action plans are written at a high level and list all of the objectives that the Court Community Action Planning Team wishes to implement; they do not contain detailed actions for individual items.

**PROGRAM ACTION PLAN****Program Title: Education for self-represented litigants****Program Description:**

The initial objective of this program is for every family law litigant to be educated about legal/court processes and about substantive portions of the law. The ultimate goal of this program is for every self-represented litigant or member of the public in Calaveras County to be educated and informed about legal/court processes. Activities that the planning team will undertake to further this objective include publications, dissemination of information, educational programs, videos and court staff assistance. The Court Community Action Planning Team has begun some of these activities and plans to continue building the program to meet its goals and objectives.

**Program Partners:**

Initial partners for this program are the Calaveras Superior Court, Bar Association, Family Court Services, Family Law Facilitator, Legal Services of Northern California, and Calaveras Legal Assistance Service. The Court Community Action Planning Team is partnering with media entities, local schools and law enforcement in program advertisement and dissemination of information.

**Program Plan:**

<b><i>Tasks:</i></b>	<b><i>Deadline</i></b>	<b><i>Person Responsible</i></b>
1. Develop post-hearing instructions handout about what to do next.	June 30, 2002	Mary Beth Todd and Grant Barrett – Courts
2. Prepare, publish and disseminate "dos and don'ts" handout/pamphlet of representing yourself.	June 30, 2002	Julie Rowe, FLF, and Peter Pungabayan, LSNC to draft. Becky Binet HRC typing/printing.
3. Develop Community Directory outlining what services are available and how to access the services.	December 31, 2002	HRC preparing under another grant.
4. Prepare and adapt pamphlets for reading about court processes. Coordinate distribution space and support staff.	March 30, 2003	Becky Binet HRC
5. Develop videos on how the court operates.	Unassigned	
6. Begin program where Bailiff explains court process prior to hearing.	March 30, 2003	Mary Beth Todd
7. Prepare a comprehensive list of resources	December 31, 2002	HRC

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and market to the community in various ways.		
8. Coordinate clinics on various legal topics to be presented by the Bar Association.	Unassigned	
9. Use media as a dissemination vehicle. Provide information to radio and newspapers.	Ongoing	Varies depending on event.
10. Do outreach and education to local high schools.	Unassigned	

**Existing Resources That Will Be Used:**

Many of the program activities require staff time to accomplish. The Court Community Action Planning Team members have been using existing staff time and budgets to prepare materials and disseminate information to the community.

**Additional Resources Needed:**

Additional resources that may be needed to support the educational activities will be staff time to prepare materials, translation services, advertising services, training equipment (laptop, TV/VCR, multi-media projector, overhead projector) and materials preparation equipment (printer, copier, camera, software). A lack of space is also a barrier to the efficient delivery of services. The court plans on applying for the \$15,000 self-represented litigants action plan implementation grant to offset the cost of these items and to allow the team to continue to develop educational materials/resources.

**Evaluation:**

There will be several evaluation methods to determine the success of the educational programs. The quality of handouts and pamphlets will be assessed through feedback both from the self-represented litigants and the judicial officer that they appear before. The quantity of handouts and pamphlets will be assessed both through the number used and the requests received. Clinics and video programs will have surveys to assess the extent to which participants valued the programs and quizzes to assess the level of information that was actually transferred in the learning process. The Court Community Action Planning Team plans to track the number of self-represented litigants reached through various program offerings.

**PROGRAM ACTION PLAN****Program Title: Expansion of resources and services for self-represented litigants****Program Description:**

The initial objective of this program is to make some resources immediately available for self-represented litigants. The ultimate goal of this program is to develop a self-help center in a new facility that would house services and volunteers that would provide assistance to self-represented litigants and the public. Services will be developed in the family law and general civil areas. Immediate activities that the Court Community Action Planning Team has begun in order to further this objective include promotion of unbundled legal services, clinics, development of resource listings and facility availability research. The sum of the planned activities includes institutionalizing the new facility/self-help center, developing a resource for supervised visitation, improving the case management system to track family law cases, expanding presentations on various legal topics, and developing a hotline for community legal information. The team will be working to expand the availability of legal services especially for targeted groups.

**Program Partners:**

The Court Community Action Planning Team is partnering with many individuals, organizations, and agencies to expand resources and services. These include the Calaveras Superior Court, Law Library, Small Claims Advisor, Bar Association, Family Court Services, Family Law Facilitator, Legal Services of Northern California, Calaveras Legal Assistance Service, Community Service Organizations, Mother Lode Job Training/Job Connection, the Women's Crisis Center, Senior Center, Community College, Human Resource Council, Child Care Resource Council, City/County government agencies such as the Board of Supervisors, County Welfare Department, Law Enforcement, Probation, County Counsel, Drug & Alcohol Program, Adult Services/Public Guardian, County Library, Victim/Witness Program and private attorneys such as Sheron McCarthy, and individuals such as children, youth, seniors, etc.

**Program Plan:**

<b><i>Tasks:</i></b>	<b><i>Deadline</i></b>	<b><i>Person Responsible</i></b>
1. Promote unbundled services. Organize and host program on unbundled legal services for local attorneys.	March, 2002 – completed	SRL Steering Committee
2. Develop action plan for case management system to track family law cases.	December 2003	M.B. Todd, CEO
3. Develop judicial referral system for parties to attend clinic of volunteer/paid attorneys to prepare order after hearing.	June 2003	M.B. Todd, CEO
4. Develop a self-help kiosk in the lobby of	December 2002	M.B. Todd, CEO

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the courthouse.		
5. Develop an automated telephone hotline to give out community information.	Undetermined	Undetermined
6. Develop resource for supervised visitation.	December 2002	Diane Goodman, FCS Director
7. Develop family law/general civil/ public law self-help center vision and action plan.	Ongoing	SRL Committee
8. Research availability of new facility with the potential to house services and volunteers in one place.	Ongoing	Sandy Morrill, Dept. of Social Services; M.B. Todd, CEO; Billie Westernoff, HRC

**Existing Resources That Will Be Used:**

Members of the Court Community Action Planning Team have been using existing resources to the extent possible to expand services. The program on unbundled legal services for local attorneys was a collaborative effort in which the court participated. Other resources to be used are existing building space, staff resources, equipment and volunteers.

**Additional Resources Needed:**

Many of the activities in this program will require additional resources to address. As a first step, the court is planning on applying for the \$15,000 self-representatives implementation grant to further development of the self-help kiosk in the lobby of the courthouse. Many of the educational products that have been developed by the team will be available in this central location. Lack of funding for space is a barrier to the efficient delivery of services.

**Evaluation:**

The Court Community Action Planning Team will gauge the success of this program by the extent to which the program activities are accomplished and to the extent these programs are used and valued by self-represented litigants. Once programs are established, evaluation methods that measure usage and surveys that measure effectiveness of services and materials will be administered.



**PROGRAM ACTION PLAN**

**Program Title:** Development of sustainable infrastructure to support continued planning and service delivery system:

**Program Description:**

The initial program objective is for the Court Community Action Planning Team to develop a structure of governance to continue planning activities. Initially, the team will learn about funding sources and collaborate on funding opportunities. The team has developed a Bench/Bar partnership to better serve self-represented litigants as a team, and has hosted one program so far. The ultimate goal of this program is to have on-going service collaboration, a centralized referral system, shared services and funding, consolidated services, where appropriate, and a sustainable employee infrastructure with a large community volunteer support base.

**Program Partners:**

Participants of the Court Community Action Planning Team are also the program partners. The group appointed a steering committee to guide program activities. Representatives on the "SRL Steering Committee" are the Court Executive Officer, the Family Law Facilitator, Calaveras Legal Assistance Service, Legal Services of Northern California, Calaveras County Bar Association and Calaveras County Social Services Agency.

**Program Plan:**

<i><b>Tasks:</b></i>	<i><b>Deadline</b></i>	<i><b>Person Responsible</b></i>
1. Develop a governance structure, mission statement and SRL Steering Committee to guide activities.	November, 2001 (completed)	Mary Beth Todd, Coordinator
2. Research other county models. Hear presentation on Nevada County model.	November, 2001 (completed)	Court Community Action Planning Team
3. Steering committee meets to plan future implementation strategies.	January, 2002 (completed)	SRL Steering Committee
4. Organize meeting of all the partners to assess program.	Every six months	SRL Steering Committee
5. Learn about funding from each other. Brainstorm service sharing options.	Ongoing	SRL Committee
6. Develop a plan of action to trade to avoid overlap of legal services. Share the cost of renting larger office space and the cost of support staff.	Ongoing	SRL Steering Committee
7. Develop Bench/Bar partnerships to better serve self-represented litigants as a team.	Ongoing	SRL Steering Committee

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8. Collaborative group to identify projects to seek funding for. Apply for Prop. 10 funding, if feasible.	Ongoing	SRL Steering Committee
9. Seek funding for and develop centralized referral system.	Ongoing	SRL Steering Committee
10. Support LSNC expansion/resources development to address many of the needs; e.g. educational materials, staffing for SRL assistance, recruiting bar involvement, application for grants.	Ongoing	SRL Steering Committee
11. Study and consolidate law library with county library to improve SRL access.	Ongoing	SRL Steering Committee
12. Obtain a non-profit organization to apply for a CASA grant to support child visitation.	Unassigned	SRL Steering Committee
13. Develop volunteer program (AARP, high school or college students, etc.).	Unassigned	SRL Steering Committee

**Existing Resources That Will Be Used:**

Currently, the Court Community Action Planning Team is using existing resources and the existing SRL planning grant to develop the program plans for each of the items indicated above.

**Additional Resources Needed:**

The court is planning on applying for the \$15,000 self-representatives implementation grant to further development of this program. Additional funding is needed to develop the centralized referral system and support the Legal Services of Northern California (LSNC) expansion of services.

**Evaluation:**

The Steering Committee will coordinate and assess progress and program effectiveness. Tracking the usage of various resources will provide Court Community Action Planning Team feedback on the effectiveness of these programs.

**4. *State Support:***

The court requires the support from the Administrative Office of the Courts and the state budget authorities to approve funding to implement some of the items in this action plan. The Court Community Action Planning Team has devoted staff time to the development and implementation of portions of this action plan that can be accomplished within existing resources. Some of the short-term objectives are being addressed in this way; however, many of the long-term objectives will require substantial additional funding to implement. Resource needs are estimated and identified in each of the program action plans.

The court plans to continue to participate in the formal processes of budget and grant submissions to the Administrative Office of the Courts and other sources as appropriate, (such as Prop. 10), in order to implement this plan. Collaboration will continue with community non-profit agencies who provide legal and support services. Locally, collaboration will continue with other funding entities, such as the County Board of Supervisors, that approve programs and budgets for services that either directly or indirectly impact the court and self-represented litigants.

**5. *Unique Approaches:***

There is much interest in Calaveras County in addressing the needs of self-represented litigants. As a result, the court has been able to gather a wide range of partners and community members on the Court Community Action Planning Team. As partners continue to learn from each other, there are opportunities for service and funding collaboration. There is a good base of programs to build additional service capacity. There are opportunities for strengthening existing programs that could meet many of the needs and only because of funding shortages cannot address the full range of needs currently. The Calaveras unique approach will be based on research, collaboration, service sharing, partnership and volunteerism.

**6. *Sustaining the Action Plan:***

Sustaining the action plan was a concern of the Court Community Action Planning Team from the beginning of the project. To respond to this concern, a sustainable infrastructure to support continued planning and service delivery was discussed and adopted by the group as a whole. This was made a separate program within this document entitled, "Development of sustainable infrastructure to support continued planning and service delivery system." An ongoing entity, the SRL Steering Committee meets regularly to guide program activities. The whole Court Community Action Planning Team meets every six months to continue program planning and research. As a result, many of the objectives identified last year have been accomplished.

**7. *Other Comments:***

Proper facilities and space continues to present a barrier to legal services. This barrier is especially significant for self-represented litigants. The limited legal services that exist are housed in various locations around the county making access even that much more difficult for the public and self-represented litigants. The team has pursued a central location concept, but Calaveras County does not have a facility (in place or planned) where all services could be housed together. The team thinks that a central self-help facility would allow the court and agencies to pool and share resources, such as staffing so that the overall cost of delivery of services would be reduced. In addition, it would improve access to legal services for the working poor, seniors, the disabled and those with transportation problems.